

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 518

DATE: February 9, 2015

Version: As introduced

Authors: Scott and others

Subject: Family law changes to compensatory parenting time, maintenance, and child support modification

Analyst: Mary Mullen

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill clarifies the 25% parenting time presumption; modifies the procedures and rights of parents to compensatory parenting time; allows post-judgment spousal maintenance modification in certain circumstances; and allows alternative effective dates in child support and spousal maintenance modifications in certain situations.

Section

- 1 **General.** Clarifies that the presumption that a parent is entitled to an award of 25% of the parenting time is a minimum presumption in determining child support.
- 2 **Remedies.** Provides that compensatory parenting time can be awarded when a substantial amount of court ordered time is unavailable unless it would not be in the child's best interest to award the compensatory time.

This section requires the court to award compensatory time when the denial of the time was repeated and intentional except where the denial was to protect the child's physical and emotional health. This applies to both court ordered parenting time and time that is ordered through a parenting time expeditor. This section allows for the court to access civil penalties, bonds, attorney fees, and costs.

The additional civil remedies in this section become mandatory on the second court finding that a party has repeatedly and intentionally withheld parenting time.

This section requires that the rights and remedies in this section are included in each court order for parenting time.

Section

- 3** **Private agreement.** Allows the parties to agree to post-judgment spousal maintenance modification or limit the ability to modify. This section allows the parties to modify spousal maintenance by agreement when the parties have previously limited the ability to modify.
- 4** **Providing income information.** Clarifies and expands the tax documents that can be provided in child support cases for the financial affidavit requirements. This section allows alternative start dates from effective dates currently allowed under the law—which is typically the service date of the motion for modification of support. This bill would allow effective dates for new child support or maintenance awards to also be a date the parties agreed on or an alternative date when a party has failed to provide the necessary financial documents in the case.